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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,083

11/03/2003

Darin C. Glatt

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2807

39600

7590

09/04/2009

SOFER & HAROUN LLP.

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NEW YORK, NY 10017

EXAMINER

VU, VIET DUY

ART UNIT

PAPER NUMBER

2454

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/700,083	<b>Applicant(s)</b> GLATT ET AL.	
	<b>Examiner</b> Viet Vu	<b>Art Unit</b> 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. The notice of abandonment mailed July 7, 2009 is vacated. The notice of abandonment was prematurely sent out because applicant's amendment containing incorrect application serial number was entered in a wrong application and the shortened statutory period for response was expired. The misfiling issue has now been corrected.

**Art Rejections:**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng et al, U.S. pat. No. 6,131,096.

Per claims 1 and 7-14, Ng teaches a method for configuring a client (second) device to perform data synchronization with a server (first) device comprising:

**a)** transmitting from the first device to the second device, via a communication connection, instructions for generating a user interface on the second device, e.g., web browser applets, plug-ins, etc., (see col 4, lines 20-50), the user interface being programmed to elicit from a user at the second device information identifying a personal information manager (PIM) used on the second device, and to transmit the information to the first device via the communication connection wherein the interface for use on the second device being the same interface as used on the first device (col 6, lines 6-15); and

**b)** providing to the second device via the communication connection a synchronization package based on the PIM-identifying information, the synchronization package including a synchronization application, the synchronization application being installed on the second device, the user interface also being programmed to elicit from the user synchronization information regarding data to be synchronized, and to provide the synchronization information to the synchronization

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application installed on the second device (see col 7, lines 1-25).

Ng does not explicitly teach that the PIM interface being a web-based interface. Ng however teaches using browser-based applets or plug-ins, i.e. programs to be executed by a web browser (see col 4, lines 20-43). Ng also teaches using the web browser to install and execute the downloaded applets or plug-ins to provide PIM interface (see col 8, lines 1-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that PIM interface to be a web-based interface when executed within the web browser interface.

Per claims 2-6, Ng's teachings encompass all claim limitations (see col 3, lines 52 - col 4, line 19).

Per claim 15, Ng teaches that the devices can communicate with each other wirelessly (see col 10, lines 26-27).

Claims 16-36 are similar in scope as that of claims 1-15 and hence are rejected for the same rationale set forth for claims 1-15.

**Response to Amendment:**

5. Applicant's arguments filed on March 11, 2009 with respect to claims 1-36 have been fully considered but they are not deemed persuasive.

Applicant alleges that Ng fails to disclose the claimed invention because Ng does not teach generating a web-based interface on the second device.

The examiner disagrees. Ng clearly teaches using browser-based applets or plug-ins to generate PIM interface on the second device (see col 4, lines 33-34). Since the PIM interface is provided within the browser, it would have the same web-based interface as that of the web browser. The examiner submits that it is common to have the web browser open multiple separate windows. Therefore a PIM window open within the browser would not be considered as a different user interface. It is also noted that the use of browser-based plug-ins would have released the user from having to manually download, install and execute separate PIM program as done in prior art (see col 8, lines 1-19).

**Conclusion:**

6. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P.

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on 571-272-1915.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Viet Vu/  
Primary Examiner, Art Unit 2454  
8/28/09/Nathan J. Flynn/

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Supervisory Patent Examiner, Art Unit 2454